



California Regulatory Notice Register

REGISTER 2005, NO. 40-Z

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*Time-
Dated
Material*

DECISION NOT TO PROCEED

DEPARTMENT OF CONSERVATION
(Published July 1, 2005, in the California Regulatory Notice Register, Notice File No. Z05-0614-13) 1457

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES
TO ADOPT AND AMEND THE FOLLOWING
REGULATION SECTIONS, ALONG WITH AN
ASSOCIATED FORM, TITLE 2, CALIFORNIA
CODE OF REGULATIONS, RELATING TO
LEROY F. GREENE SCHOOL
FACILITIES ACT OF 1998

PROPOSED AMENDMENTS TO REGULATION
SECTIONS: 1859.2, 1859.61, 1859.74, 1859.77.1,
1859.79, 1859.79.2, 1859.83 AND 1859.104

REGULATION SECTIONS PROPOSED FOR
ADOPTION: 1859.70.3, 1859.71.5, 1859.78.9,
1859.93.2 AND 1859.93.3

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to adopt and amend the above-referenced regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to adopt and amend these regulations under the authority provided by Sections 17070.35, 17072.13, 17075.15 and 17078.64 of the Education Code. The proposals interpret and make specific Sections 17070.15, 17070.35, 17070.51, 17070.99, 17071.25, 17072.10, 17072.12, 17072.13, 17072.15, 17072.20, 17072.30, 17072.32, 17073.15,

17074.10, 17074.15, 17074.16, 17074.25, 17074.32, 17075.10, 17075.15, 17076.10, 17077.10, 17077.40, 17077.42, 17077.45, 17251 and 100420(c) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

Assembly Bill (AB) 1465, Chapter 894, Statutes of 2004, created a pilot program known as the Small High School Program and required that it be implemented into the SFP Regulations. A small high school is defined as having an enrollment of 500 pupils or less. The program provides school districts access to \$20 million of new construction funding to build small high schools, and \$5 million of modernization funding to reconfigure existing high schools into two or more small high schools, upon California Department of Education (CDE) approval.

For purposes of new construction funding, this program provides a 20 percent increase to the SFP new construction per-pupil grant. The State/local matching share percentage of the total project cost is changed from 50/50 to 60/40, respectively. The program will be in effect from January 1, 2006 until January 1, 2008, unless extended by statute.

Statute requires the Board to conduct an evaluation on the cost of new construction and modernization of small high schools funded under this program. The information gained from these evaluations will be used in structuring future school facilities construction and related bond measures.

The SAB on July 27, 2005 approved amendments and adopted new sections to the SFP regulations for these purposes, and they are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments add definitions of "Reconfiguration," "Small High School," and "Small High School Program." References to Form SAB 50-04 are amended to reflect the new revised date of the form.

Existing Regulation Section 1859.61 sets forth criteria that allow for making adjustments to a school district's modernization baseline eligibility. The proposed amendment adds an additional criterion that

adjusts a district's modernization baseline eligibility as a result of the reconfiguration of an existing high school under the Small High School Program.

Proposed adoption of Regulation Section 1859.70.3 sets aside \$20 million of new construction funding to construct small high schools pursuant to Education Code Section 17072.10(c), and makes \$5 million of modernization funding available to assist in reconfiguring large high schools pursuant to Education Code Section 17074.32.

Proposed adoption of Regulation Section 1859.71.5 provides a 20 percent increase to the per-pupil grant for Small High School Program projects funded pursuant to Regulation Sections 1859.93.2 and 1859.93.3, and other funding increases authorized by these Regulations to ensure that Apportionments represent 60 percent of the total project cost.

Existing Regulation Section 1859.74 authorizes an additional grant to school districts for site acquisition costs for approved SFP new construction projects, according to specific criteria. The proposed amendment limits the amount of funds for a site on a prorated basis for sites that exceed the recommended site size for a small high school (500 pupils or less).

Existing Regulation Section 1859.77.1 requires that for SFP new construction projects, school districts must make a matching share contribution on a dollar-for-dollar basis for any State funding provided under these Regulations, with certain specified exceptions. The proposed amendments add another exception, that the required district matching share must be equal to at least 40 percent of the total project cost for approved Small High School Program new construction project funding.

Proposed adoption of Regulation Section 1859.78.9 authorizes an additional modernization grant apportionment, not to exceed an aggregate of \$500,000, for each approved Small High School Program Reconfiguration project submitted by September 30, 2007 and meeting other listed requirements for enrollment, CDE approval, use of funding, and eligibility adjustment.

Existing Regulation Section 1859.79 requires that for SFP modernization projects, school districts must make a matching share contribution equal to at least 20 percent (for applications on or before April 29, 2002) or 40 percent (for applications after April 29, 2002) of the total project cost. The proposed amendments provide that the modernization grant for Reconfiguration is not subject to the modernization matching share requirement. In addition, a sentence is added that distinguishes the matching share and the Reconfiguration costs as separate to avoid duplicate funding.

Existing Regulation Section 1859.79.2 specifies the permissible and impermissible uses of Modernization Grant Funds. The proposed amendment adds an additional impermissible use of modernization funds for costs associated with Reconfiguration pursuant to Section 1859.78.9.

Existing Regulation Section 1859.83 sets forth district eligibility criteria for excessive cost hardship grant funding as a result of specified unusual circumstances, in four categories of excessive costs: geographic location, small size projects, new school projects, and projects meeting criteria of urban location, security requirements, or impacted site. The proposed amendments establish a table authorizing New Construction Excessive Cost Hardship Grants exclusively for Small High School projects to be built on a site with no existing facilities, based on the number of classrooms in the project, not to exceed housing 500 pupils.

Proposed adoption of Regulation Section 1859.93.2 establishes the application criteria school districts must meet in order to participate in the Small High School Program.

Proposed adoption of Regulation Section 1859.93.3 sets forth the criteria by which projects will be prioritized and funded.

Existing Regulation Section 1859.104 sets forth document submittal requirements for school districts receiving funds under the Leroy F. Greene School Facilities Act of 1998 (School Facility Program). The proposed amendments set forth document submittal requirements to districts receiving Small High School Program funding.

Existing SAB Form 50-04, *Application for Funding*, is used when a school district applies for SFP funding for a new construction or modernization project. The proposed amendments incorporate into the application form the necessary data fields, submittal instructions, and certifications of program compliance that are reflected in the regulatory text.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant statewide adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the

following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory actions. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than November 21, 2005 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young,
Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory actions. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.

3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

Title 8, Chapter 8, Subchapter 2 Office of Self Insurance Plans

Notice is hereby given that the Director of the Department of Industrial Relations proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department has not scheduled a formal public hearing on this proposed action. However, the Director will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Office of Self Insurance Plans. The written comment period closes at 5:00 p.m. on November 21, 2005. The Department

will consider only comments postmarked or received at the Office of Self Insurance Plans by that date. Submit comments to:

Mark Johnson, Manager
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825

AUTHORITY AND REFERENCE

Labor Code Sections 55 and 3702.10, authorizes the Director of Industrial Relations to adopt, amend, and repeal regulations which would implement and make specific the provisions of Labor Code Sections 3702.1, 3702.2, and 3702.6.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Existing Section 3702.10 of the Labor Code authorizes the Director of Industrial Relations to adopt, amend, and repeal regulations reasonably necessary to carry out the purposes of Articles 1, 2, and 2.5 of the California Labor Code. Existing Labor Code Section 3701 requires private self insured employers to post security deposits with the Department of Industrial Relations that are based on estimates of future liability of claims, and existing Labor Code Section 3702.6 requires the Department of Industrial Relations to establish an audit program to ensure that estimates of future liability of claims are adequate. Existing Labor Code Section 3702.1 requires each person given discretion to deny, accept, or negotiate workers' compensation claims to demonstrate competence, and requires each adjusting location of a third-party administrator authorized to administer self insured claims to be in possession of a Certificate to Administer.

Department of Industrial Relations proposes to amend existing sections 15201, 15300, 15400, 15400.2, 15402.4, 15403, 15450, 15450.1, 15452, 15454, and 15463 in Title 8 of the California Code of Regulations. These sections define terms in Articles 1 through 13, establish requirements for estimating future liabilities of workers' compensation claims for self insured employers, indicate claim file contents for self insured employers' workers' compensation claims, establish requirements for the transfer of claims records from one administrator to another, and address audit site locations. In addition, these sections address the issuance of Certificates to Administer to third party administrators of workers' compensation claims, establish annual license fees for these administrators, and establish application fees for the testing of technical knowledge and certification of competence of individual administrators.

Existing Section 15201 provides definitions for commonly used terminology related to workers' compensation self insurance. Amendments to this section will expand the definition of "Adjusting Location" to address telecommuter claims adjuster locations, and expand the definition of "Claims Log" to specify that each year's log will list claims by the year reported, that claim logs of private self insurers will be by calendar year, and logs of public self insurers will be by fiscal year.

Existing Section 15300 requires that a list of open indemnity claims be submitted with each Self Insurer's Annual Report, requires that indemnity and medical-only claims reflect realistic estimates of future liabilities due or potentially due, prohibits reduction of estimates for third party recoveries or aggregate excess insurance, addresses procedures for claiming credit for specific excess insurance, and requires that estimates of future liability and paid costs be made available when claims are audited. This section will be amended to clarify that estimates of future liability reflect future liabilities reasonably expected to be due rather than potentially due, and specifies the required components for both indemnity and medical reserves. The section will also be amended to prescribe how to reserve in case of conflicting information, to specify that medical reserves must be established for the duration of treatment and the life of the claim based on the life expectancy of the injured worker in claims with lifetime awards for benefits, and to specify the principles that must be considered when reducing estimates based on utilization review or expected reductions in costs.

Existing Section 15400 indicates the required contents of claim files for injuries reported before January 1, 1990 and for injuries occurring on or after January 1, 1990, and requires that estimates of future liability be reasonable and be adjusted upon receipt of certain items. The existing section indicates the use of a reserve calculation worksheet is recommended but not required. This section will be amended to delete the requirement for a reasonable estimate to be adjusted following certain events because requirements regarding the basis and timing of establishing reserves are covered in Section 15300. This section will also be amended to indicate that, for injuries reported on or after January 1, 2006, claim files shall be maintained in chronological order or subdivided into sections based on the nature of the documents, that electronic portions of files shall be easily retrievable, and that itemized written documentation showing the basis for the calculation of estimated future liability shall be in each file.

Existing Section 15400.2 requires all claim files be kept and maintained for at least five years from the date of injury or date that benefits are last provided, whichever is later, and indicates that claims may be closed two years after benefits are last provided. This section will be amended to clarify that claims may not be closed if there is a reasonable expectation that future benefits will be payable.

Existing Section 15402.4 requires that in the event claims are transferred from one administrator to another, all open claims will be provided immediately to the new administrator, and all closed claims and all computerized claims data shall be transferred within 30 days unless otherwise provided by agreement. This section will be amended to require that the old administrator shall provide hard copies of computerized claims contents to the new administrator at its own expense in instances where it is not providing the computerized claim contents.

Existing Section 15403 states that the Manager of Self Insurance Plans may order an audit at such reasonable times as is deemed necessary and claim files must be made readily available. This section will be amended to require the claims administrator to make claims available for audit at a California office location of the administrator or the self insured employer in the event of an audit of claims that are administered at a telecommuting adjuster's home.

Existing Section 15450 requires that each claims administrator be in possession of a Certificate to Administer and provides certain exceptions. This section will be amended grammatically and to delete references to minimum, maximum, and median periods of time to issue Certificates to Administer.

Existing Section 15450.1 prohibits self administration of workers' compensation claims by a self insured employer for its first three years of self insurance. This section will be amended grammatically and to remove redundancies.

Existing Section 15452 requires that self insured workers' compensation claims be administered in California unless good cause to administer out of state is shown, establishes a process for testing technical knowledge of workers' compensation so that individual adjusters may demonstrate competence, provides for an application form in the index of the regulations, and establishes a fee of \$100 to take the Self Insurance Administration examination. This section will be amended to specify that the desire to consolidate claims or the demonstration of competence of an out of state adjuster do not show good cause for out of state administration, to delete the application form from the regulations, and to increase the fee for taking the exam to \$150.

Existing Section 15454 indicates time periods for the renewal of Certificates to Administer for third party administrators, and sets annual license fees of \$650 per year for each third party administrator with an additional charge of \$100 per each additional adjusting location. This section will be amended to increase the annual license fees to \$1,000 per year for each third party administrator and the additional charge to \$200 for each additional adjusting location.

DISCLOSURES REGARDING THE PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate

The Director of Industrial Relations has determined that the proposed regulations do not impose a mandate on local agencies or school districts or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California constitution."

Cost or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or schools are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Non-discretionary Costs or Savings Imposed on Local Agencies or School Districts

This proposal does not impose non-discretionary costs or savings imposed on local agencies or school districts.

Costs or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Individual private self insurers may find the new deposit assessment to be higher than current costs for providing individual security deposits.

Impact on Business

The Department of Industrial Relations has made an initial determination that the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

Small Business Impact

This regulation will have no adverse impact on small business because it does not impose any new requirements on employers nor does it amend any existing requirements impacting small business. The increases in fees to third party administrators and to candidates for the Self Insurance Administration exam are minimal, are easily within the range of fees charged by other state agencies, and are the first increases in 20 years.

Assessment of Job/Business Creation or Elimination

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Director must determine that no reasonable alternative has been considered by the agency or has otherwise been identified and brought to it's attention that would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. No reasonable alternative has been brought to the attention of the Director that would be less effective or less burdensome to affected persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Mark Johnson, Manager
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825
916-483-3392
mjohnson@dir.ca.gov

The backup contact person for these inquiries is:

Tina Freese
Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825
916-483-3392
tfreese@dir.ca.gov

Questions on the substance of the proposed regulation should be directed to Mr. Johnson.

Please direct requests for copies of the proposed text, the initial statement of reasons, the modified text of the regulations, if any, or any other rulemaking documents to Tina Freese at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Director of the Department may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Director regarding this proposal, the Director may determine that changes to the proposed regulation are appropriate. If the Director makes substantive modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Director adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tina Freese at the above address. The Department will accept further written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Office of Self Insurance Plans at 2265 Watt Avenue, Suite 1, Sacramento, California 95825 during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Department is required to prepare a Final Statement of Reasons. Once the Department has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Department Contact Person identified in this Notice.

DEPARTMENT INTERNET WEBSITE

The Department maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://sip.dir.ca.gov>.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF PROPOSED RULEMAKING

Subject Matter of Regulations:
Workers' Compensation—
Workers' Compensation Information System

TITLE 8, CALIFORNIA CODE OF REGULATIONS

Sections 9701 et seq.

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in her by Labor Code sections 133, 138.6, and 138.7, proposes to modify existing regulations, by amending Article 1.1, Subchapter 1 to Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9701, relating to the Workers' Compensation Information System.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to modify existing regulations, by amending Article 1.1, Subchapter 1 to Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9701, relating to the Workers' Compensation Information System:

Section 9701	Definitions
Section 9702	Electronic Data Reporting
Section 9703	Access to Individually Identifiable Information

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the subjects noted above, on the following dates:

Date: November 22, 2005

Time: 10:00 am to 5:00 pm or conclusion of business

**Place: Elihu Harris State Building, Auditorium
1515 Clay Street,
Oakland, CA 94612**

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Adel Serafino, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require that, any persons who make oral comments at the hearings also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation. The written comment period closes at **5:00 p.m., on November 22, 2005**. The Department of Industrial Relations, Division of Workers' Compensation will consider only comments received at the Department of Industrial Relations, Division of Workers' Compensation by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than 5:00 p.m. on November 22, 2005.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code sections 133, 138.6, and 138.7.

Reference is to Labor Code sections 129, 138.4, 138.6 and 138.7.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Labor Code section 138.6 requires the Administrative Director of the Division of Workers' Compensation to develop a cost efficient workers' compensation information system to accomplish the following purposes:

- Assist the Department of Industrial Relations to manage the workers' compensation system in an effective and efficient manner.
- Facilitate the evaluation of the effectiveness and efficiency of the benefit delivery system.
- Assist in measuring how adequately the system indemnifies injured workers and their dependents.
- Provide statistical data for research into specific aspects of the workers' compensation system.

The data collected electronically must be compatible with the International Association of Industrial Accident Boards and Commissions' Electronic Data Interchange (IAIABC EDI) system, and the data elements to be provided by claims administrators through the WCIS must be set forth in regulations.

Additionally, Labor Code Section 138.7 limits access to individually identifiable information maintained by the Division of Workers' Compensation, and requires the Administrative Director to adopt regulations governing access to this information by specified government agencies and bona fide researchers authorized by this statute to receive individually identifiable information.

These proposed regulations implement, interpret, and make specific these two sections of the Labor Code as follows:

1. Section 9701

This section is amended to define key terms used in these regulations to ensure the meaning will be clear to the workers' compensation community. The proposed amendments in this section will clarify terms in the current WCIS regulations and define key terms that are contained within the regulations proposed for sections 9702 and 9703:

(a) "Bona Fide Statistical Research" is defined to clarify the purpose for which individually identifiable information will be released to individuals and private or public entities under existing Section 9703 (d).

(b) "California EDI Implementation Guide for First and Subsequent Reports of Injury" is defined and incorporated by reference as it contains California specific reporting requirements and information excerpted from the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgment Detail, Header & Trailer Records, Release 1, issued February 15, 2002, by the International Association of Industrial Accident Boards and Commissions.

(c) "California EDI Implementation Guide for Medical Bill Payment Records" is defined and incorporated by reference as it contains the California-specific protocols excerpted from the IAIABC EDI Implementation Guide for Medical Bill Payment Records, explains the technical design and functionality of the WCIS system, testing options for the trading

partners, instructions regarding the data elements for medical billing, and copies of the required medical billing electronic forms.

(f) “Closed Claim” is defined to clarify an event that gives rise to a reporting obligation under section 9702 (d).

(g) “Data Elements” is amended to refer to the current IAIABC EDI Implementation Guide instead of Release 1 and Release 2.

Former subsection (e) and (f) are deleted as the updated IAIABC EDI Implementation Guide, Release 1 is defined in subdivision (j).

Former (g) “EDI Trading Partner Profile” is deleted because the trading partner profiles are contained within the California EDI Implementation guide and California Implementation Guide for Medical Bill Payment Records. There is no specific reference to the trading partner profiles in section 9702.

Former (h) is deleted as the IAIABC EDI Implementation Guide for Medical Bill Payment Records is defined in (k).

(i) “Health Care Organization (HCO)” is defined as the term is referenced in section 9702(e).

(j) “IAIABC EDI Implementation Guide, Release 1.” This definition replaces former subdivisions (e) and (f). It is the updated version of the IAIABC Implementation Guide for First, Subsequent, Acknowledgment Detail, Header & Trailer Records, Release 1, issued February 15, 2002. Sections 4, 5, 6, and the Appendix of EDI Implementation Guide, Release 1, are linked to the Division’s Web site at <http://www.dir.ca.gov/dwc/WCIS.htm>.

(k) “IAIABC EDI Implementation Guide for Medical Bill Payment Records.” The definition for the IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1, approved July 4, 2002, is added as it provides the EDI standards for medical bill payment records. Sections 1 through 3, and 6 through 14 of the IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1, are linked to the Division’s Web site at <http://www.dir.ca.gov/dwc/WCIS.htm>.

Former subdivisions (i) and (j) are re-lettered (l) and (m) due to the additions and deletions listed above. Former subdivision (k) is deleted.

(n) [formerly (l)] “International Association of Industrial Accident Boards and Commissions” is amended to reflect the association’s change of office location. Additionally, the sentence regarding the licensing agreement is deleted as a licensing agreement is no longer required.

Former subdivision (m) is re-lettered (o).

2. Section 9702

Subdivision (a) is amended to refer to the California EDI Implementation Guide for First and Subsequent Reports of Injury and the California EDI Implemen-

tation Guide for Medical Bill Payment Records. The subdivision requires that claims administrators only transmit data elements taken from the California EDI Implementation Guides. Former subdivisions (a)(1) through (4), which pertained to a variance period, are deleted as the variance periods ended in 2001.

Subdivision (b) is amended to delete reference to March 1, 2000 since that date has now passed. Various data element names and numbers have been amended or deleted to be consistent with the updated IAIABC EDI Implementation Guide.

Subdivision (c) is amended also refer to data element transmission as required under (b) and (e). Various data element names and numbers have been amended or deleted to be consistent with the updated IAIABC EDI Implementation Guide. Also, the footnotes for many of the data elements have been added or changed to be consistent with the updated IAIABC EDI Implementation Guide.

Subdivision (d) is amended to increase the five day time period in which claims administrators must submit data elements to fifteen days, to provide claims administrators with more time to report. Various data element names and numbers have been amended or deleted to be consistent with the updated IAIABC EDI Implementation Guide. Also, the footnotes for many of the data elements have been added or changed to be consistent with the updated IAIABC EDI Implementation Guide. The following “note” has also been added to this subdivision: “Final reports (MTC = FN) are required only for claims where indemnity benefits are paid. For medical-only claims, the final report would be reported under Subsection (g) (MTC = AN) with claim status = ‘closed.’”

Subdivision (e) is amended by deleting the sentence reserving the section. Subdivision (e) now sets forth that on or after June 1, 2006, claims administrators handling one hundred and fifty (150) or more total claims per year shall submit to the WCIS on each claim with a date of service on or after June 1, 2006, the data elements (which are set forth in the chart in subdivision (e)) for all medical services for which the claims administrator has received a billing or other report of provided medical services. The California EDI Implementation Guide for Medical Bill Payment Records sets forth the specific California reporting requirements. The data elements required in this subdivision are taken from California EDI Implementation Guide for Medical Bill Payment Records and the IAIABC EDI Implementation Guide for Medical Bill Payment Records. The claims administrator shall submit the data within ninety (90) calendar days of the medical bill payment. Each claims administrator shall transmit the data elements by electronic data interchange in the manner set forth in the California EDI

Implementation Guide. Many of the data elements in the chart have footnotes, which are explained at the end of the chart.

Subdivision (g) is amended to modify the words "each claim" with "with a date of injury on or after July 1, 2000 and" The words, "including medical" are deleted as they are unnecessary and confusing. Various data element names and numbers in the chart have been amended or deleted to be consistent with the updated IAIABC EDI Implementation Guide. The following "note" has been added: "Final reports (MTC = FN) are required only for claims where indemnity benefits are paid. For medical-only claims, the final report would be reported under this subsection (MTC = AN) with claim status = 'closed.'"

Subdivision (h)(3) has been added to state that on and after June 1, 2006, a claims administrator's obligation to submit an Annual Report of Inventory pursuant to Title 8, California Code of Regulations, section 10104 is satisfied upon determination by the Administrative Director that the claims administrator has demonstrated the capability to submit complete, valid, and accurate data as required under subsections (b), (d), (e), and (g), and continued compliance with those subsections.

3. Section 9703

Subdivision (b) is amended to include that the Division of Workers' Compensation may obtain and use individually identifiable information: "(5) To conduct research related to the workers' compensation system for the purpose of carrying out the duties of the Division of Workers' Compensation or the Administrative Director."

Subdivision (d) is added to state that upon written request to the Administrative Director, researchers employed by or under contract to the Commission on Health and Safety and Workers' Compensation agencies may obtain individually identifiable information from the WCIS, in the manner set forth in a memorandum of understanding between the Administrative Director, the commission, and the person or entity conducting research, for the purpose of bona fide statistical research. The subdivision also sets forth what the request must include and rules pertaining to the protection of individually identifiable information.

The remaining subdivisions are re-lettered.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: Costs will be incurred by workers'

compensation insurers, self-insured self-administered employers and third party claims administrators to expand the Electronic Data Interchange structure of the Workers' Compensation Information System (WCIS) reporting program, including payment for programming and related staff, and costs associated with establishing linkages between claims handling and bill review systems. Costs will also be incurred to report the additional medical transactions data to the WCIS. Some nationwide workers' compensation insurance companies already report medical data to other states (i.e. Texas and West Virginia) and therefore already have their medical reporting systems in operation. Other insurance carriers who are not yet providing medical data may contract with a third party vendor and incur costs of approximately \$8000 per year. Insurance companies who report directly to WCIS and use their own systems will need to upgrade their programming for the medical data reporting and may incur an initial cost of approximately \$50,000. Medical data reporting to the WCIS is required by Labor Code section 138.6 which established the WCIS, Labor Code section 4603.4 which requires that all employers/claims administrators accept electronic billing from medical providers, and the need to collect medical data in order to analyze and monitor system performance [see the California State Auditor Report entitled: California's Workers' Compensation Program: Changes to the Medical Payment System Should Produce Savings Although Uncertainty about New Regulations and Data Limitations Prevent a More Comprehensive Analysis (January 2004.)].

The costs may affect claims administrators (workers' compensation insurance companies, third party claims administrators, or self-insured self-administered employers). The claims administrators will be required to report via an electronic transmission of the medical data listed in the regulations to the WCIS in the time frames set forth in the regulations, as they are currently required to do with data elements derived from the first and subsequent reports of injury.

The Division has made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Division has considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.
- Adoption of these regulations will not: (1) create or eliminate jobs within the State of California, (2) create new businesses or eliminate existing businesses within the State of California, or (3) affect the expansion of businesses currently doing business in California.
- Effect on Housing Costs: None.
- Cost impacts on representative private person or business: The Administrative Director has determined that the proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. The entities directly affected by the regulations are three types of private businesses: (1) employers who are large and financially secure enough to be permitted to self-insure their workers' compensation liability and who administer their own workers' compensation claims; (2) private insurance companies which are authorized to transact workers' compensation insurance in California; and (3) third party administrators which are retained to administer claims on behalf of self-insured employers or insurers.

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulations may affect small businesses. However, claims administrators have been required to report to WCIS since November 1, 1999. Therefore, the reporting to WCIS is not a new requirement. Additionally, small businesses are generally not self-insured, insurers, or third party administrators. Finally, subdivision (e), which requires medical data reporting, will not affect small business, as only claims administrators handling one hundred and fifty or more total claims per year are required to report.

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Local Mandate: None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district. The potential costs imposed on all public agency employers by these proposed regulations, although not a benefit level increase, are not a

new State mandate because the regulations apply to all employers, both public and private, and not uniquely to local governments.

- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None. (See "Local Mandate" section above.)
- Other nondiscretionary costs/savings imposed upon local agencies: None. (See "Local Mandate" section above.)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the text of the draft proposed regulations was made available for pre-regulatory public comment through the Division's Internet message board (the DWC Forums). Additionally, the proposed regulations were made available for discussion and comment to the WCIS Advisory Committee (Title 8, California Code of Regulations, section 9704).

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE / INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this notice, the rulemaking file consists of the notice, the initial statement of reasons, the proposed text of the regulations, pre-rulemaking comments, and the Form 399. Also included are studies and documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be

accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations—Rulemaking" link and scroll down the list of rulemaking proceedings to find the current Workers' Compensation Information System rulemaking link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, Oakland, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

BACKUP CONTACT PERSON/ CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact persons:

Destie Overpeck (doverpeck@dir.ca.gov)
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the backup contact persons is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for

public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website: www.dir.ca.gov

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations as amended will appear in Title 8, California Code of Regulations, commencing with section 9701.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Chapter 1, Division 1, Article 4.7, Sections 345.39, 345.45, 345.56 and 345.78 of Title 13, California Code of Regulations, concerning Traffic Violator Schools.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on **November 21, 2005**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 12804.9 (a), 12527 (a), 15210, and 15275; as well as Sections 391.41 and 391.43 of Title 49, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Vehicle Code Section 11202(a)(2) authorizes the department to establish standards for traffic violator school curriculum and business practices. Vehicle Code Section 11219 allows regulations for traffic violator schools regarding the conduct of courses including curriculum.

The department proposes to amend Sections 345.39, 345.45, 345.56 and 345.78, in Title 13, California Code of Regulations to comply with the federal regulations and California Vehicle Code Sections 11202, 15210 and 42005, which will become effective on September 20, 2005.

- § 345.39. **Conducting Classes.** Section 345.39 will require the traffic violator school instructor to view each student's driver license to verify the information provided on the roster sheet or enrollment card.
- § 345.45. **Issuance, Content and Disposition of Completion Certificates.** Section 345.45 will identify the current revision of the completion certificate, the information required on the certificate, and identify who is not qualified to receive a certificate.
- § 345.56. **Business Records.** Section 345.56 will identify the information required on the records of every traffic violator school class.
- § 345.78. **Traffic Violator School Attendance.** Section 345.78 will require each traffic violator school to verify the class of driver license and the citation for each student prior to attending the course and identify who may not attend a traffic violator school in lieu of adjudicating a traffic offense.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department will modify the existing regulations to comply with California law that will become effective on September 20, 2005, and federal regulations that prohibit courts from referring a commercial driver to a traffic violator school in lieu of adjudicating a traffic offense.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses as approximately 95% of the department's existing traffic violator schools are small businesses under Government Code section 11342.610.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Notice, Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend section 5101 and section 5104 in Title 14 of the California Code of Regulations (CCR), relating to the Public Small Craft Harbor Loan Program.

WRITTEN COMMENTS

A written comment period has been established commencing on October 7, 2005 and terminating on November 28, 2005. Any interested person

may present written comments concerning the proposed regulation no later than close of business on November 28, 2005

Please submit your written comments to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California 95815
FAX: (916) 263-0648

PUBLIC HEARING

The Department does not propose to conduct a public hearing for this proposed regulatory action. However, in accordance with section 11346.8 of the Government Code, any interested party, or his or her duly authorized representative, may submit a request for a public hearing, in writing to the Department, at least 15 days before the close of the written comment period.

Please submit your written request for a hearing to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California 95815
FAX: (916) 263-0648

AUTHORITY AND REFERENCE

This regulatory action is taken pursuant to the authority vested by the Harbors and Navigation Code section 71.4 (b). The purpose of the proposed regulations is to implement, interpret, and make specific Harbors and Navigation Code section 71.4 (b).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the Department to make loans to cities, counties, and districts, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection with those harbors, and connecting waterways. This proposal is intended to implement, interpret, and make specific the provisions of the public small craft harbor loan program. Additionally, this proposal clarifies the definition of vessel pumpout facility.

Existing law requires the Department to establish, by rules and regulations, policies and standards to be followed in making these loans. Such rules and regulations are legally required to contain policies and standards for environmental facilities including restrooms, vessel pumpout facilities, oil recycling facilities, and receptacles for the purpose of separating, reusing, or recycling all solid waste materials. This proposal provides those policies and standards, regarding the aforementioned environmental facilities,

which the Department will follow for the qualification and prioritization of public loans. Specifically, these policies and standards direct the Department, when considering loan applications, to grant priority to those applicants whose projects include provisions relating to the planning, acquisition, construction, improvement, maintenance or operation of such environmental facilities.

Existing law authorizes the Department to adopt rules and regulations necessary to carry out the provisions of the Harbors and Navigation Code. This proposal provides both policies and standards, in the form of additional ranking criteria relating to environmental facilities, the Department would be required to use for prioritizing available public funding to loan applicants of the Public Small Craft Harbor Loan Program in accordance with existing law.

PLAIN ENGLISH REQUIREMENTS

The Department staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code section 11342.580 and 11346.2(a)(1). The proposed regulations are considered nontechnical and should be easily understood by those parties that will use them.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Department has initially determined that there are no other reasonable alternatives.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

The Department has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses currently doing business with the State of California.

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action has no impact on small businesses because only local public agency may obtain a loan from the public small craft harbor loan program.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII B of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COST OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or any increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no cost or savings in federal funding to the State.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirement upon businesses.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons, and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the Department contact person named in this notice.

The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulation, the modified text will be made available for at least 15 days prior to the adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

When prepared, the Final Statement of Reasons will be made available through the agency contact persons and the website.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulation, inquiries regarding the rulemaking file and questions on the substance of the proposed regulatory action may be directed to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California 95815
FAX: (916) 263-0648

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

David Johnson
(916) 263-0780

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on the Department's Internet Home Page (<http://www.dbw.ca.gov/reg.htm>)

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

California Code of Regulations
Title 15, Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation- (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC)

Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret, and make specific PC Section 5054, proposes to amend, adopt, renumber, and repeal Sections 3050, 3051, 3052, 3053, 3054 in the California Code of Regulations (CCR), Title 15 concerning Food Service.

PUBLIC HEARING

Date and Time: November 21, 2005
9:00 a.m. – 12:00 p.m.
Place: Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close November 21, 2005, 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 358-2636; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:
Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 358-1655

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cindy Sunley-Hereth
Regulation and Policy Management Branch
Telephone (916) 358-2477

Questions regarding the substance of the proposed regulatory action should be directed to:

Susan B. Summersett
Adult Food Service Administrator
Telephone (916) 327-2828

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: Additional expenditures of approximately \$955,615.00 in the

current State Fiscal Year. A BCP has already been approved by the Department of Finance for these program expenditures for the current State Fiscal Year (FY 05/06).

- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative, private person, or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On May 10, 2005, Legislation (Senate Bill 737) was signed into law and effective on July 1, 2005, the Youth and Adult Correctional Agency, which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the CDCR, headed by a secretary.

GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: CYA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Com-

mission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statute, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections, in this or any code, refers to the CDCR, Division of Adult Operations.

Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides that all powers and duties granted to and imposed upon the Department of Corrections shall be exercised by the Director of Corrections, except where such powers and duties are expressly vested by law in the Board of Prison Terms. Commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR, except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action will incorporate into the CCR, Title 15, adopted, amended, renumbered, and repealed provisions concerning Food Service.

These proposed regulations are necessary in order to establish regulations specifically related to the Food Service Programs, and to update language concerning religious diets. Also, new Forms for the religious diet programs have been included in the rulemaking process.

The amended regulations will:

- Clarify the definition of religious diets and their availability to inmates.

- Establish a religious diet agreement between the Department and Inmates, and criteria for Institution Chaplains for oversight of religious diet programs.
- Provide the criteria for inmate participation in the religious diet programs.
- Establish the statewide menu plans for Heart Healthy, Jewish Kosher, and Vegetarian diet programs and processes pertaining to those programs.
- Amend regulatory language to accommodate religious observances, pork-free protein alternatives, Institution Chaplain's roles, religious event processes, religious diet training, religious meals, outside guests' attendance and charges per meal.
- Updates Food Service Health and Safety Standards required by the California Uniform Retail Food Facilities Law (CURFFL).

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

California Code of Regulations

Title 15, Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3040.1, 3341.5, 3375, 3375.3, and 3378 in the California Code of Regulations (CCR), Title 15 concerning gang management validation.

PUBLIC HEARING

Date and Time: November 30, 2005
9:00 am to 11:00 am

Place: Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close November 30, 2005 at 5:00 pm. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)358-2636; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 358-1655

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Ann Cunningham
Regulation and Policy Management Branch
Telephone (916) 358-1655

Questions regarding the substance of the proposed regulatory action should be directed to:

Everett Fischer
Law Enforcement and Investigations Unit
Telephone (916) 327-3268

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse

economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

On May 10, 2005, Legislation (Senate Bill 737) was signed into law and effective on July 1, 2005, the Youth and Adult Correctional Agency, which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished, and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the Department of Corrections and Rehabilitation (CDCR), headed by a secretary. GC Section 12838.5 vests to the CDCR, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished entities: CYA, CDC, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and State Commission on Juvenile Justice, Crime and Delinquency Prevention. The abolished entities are known as "predecessor entities."

GC Section 12838.8 authorizes that all regulations adopted by the predecessor entities, continuing entities, and any of their predecessors are expressly continued in force, and any statute, law, rule, or regulation now in force or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors shall mean the CDCR.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code refers to the CDCR, Division of Adult Operations. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides that all powers and duties granted to and imposed upon the Department of Corrections shall be exercised by the Director of Corrections, except where such powers and duties are expressly vested by law in the Board of Prison Terms. Commencing July 1, 2005, all powers and duties

previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR, except where those powers and duties are expressly vested by law in the Board of Parole Hearings.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- The Department certifies that gang activity undermines the safety and security of the institution. The gang validation and debriefing process is necessary in order to decrease the risk that prison gangs pose to the safety and security of the institutions.
- This language provides the inmate and staff with clear and concise language regarding prison gang validation. This action includes language that states that a gang member or associate who is validated as a dropout of a prison gang may be removed from the general population or any other placement based upon a reliable source item identifying the inmate as an active gang member or associate of the prison gang with which the inmate was previously validated.
- The verification methods now requires staff to articulate the basis for determining the content of visual or audible observations or conduct at issue which indicate gang activity; to articulate why, based on either the explicit or coded content of any material or documents, including addresses, and names, evidencing gang activity that the written material is reliable evidence of association or membership with the gang; and to document information gathered in a written form.
- Changes for enhanced clarity, including reference, grammatical corrections, and changes in punctuation are also made to meet departmental standards.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

**NOTICE OF INDEFINITE POSTPONEMENT
OF RULEMAKING ACTION**

**NOTICE OF PUBLIC HEARING TO CONSIDER
ADOPTION OF EMISSION STANDARDS AND
TEST PROCEDURES FOR NEW 2007 AND
LATER OFF-ROAD LARGE SPARK-IGNITION
(LSI) ENGINES AND FLEET REQUIREMENTS
FOR USERS OF OFF-ROAD LSI ENGINES**

The Air Resources Board (the Board or ARB) announced in a previous notice that the adoption of new emission standards for 2007 and later off-road

large spark-ignition (LSI) engines, requirements for fleet users of such equipment and verification procedures for retrofit control systems would be considered at the October 20, 2005, Board hearing, following initial consideration at a June 23, 2005, hearing.

PLEASE BE ADVISED that the hearing on this matter has been postponed until further notice. The ARB will send an additional hearing notice stating the new date and location, once determined.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to solicit input on:

Financial Assurance and the Postclosure Period

The workshop will be held at the following time and place:

Date: October 17, 2005

Time: 9:00-4:30

Location: Sierra Hearing Room
Joe Serna Jr. Cal/EPA
Headquarters Building
1001 I Street, 2nd Floor
Sacramento, California 95812

Note: Visitors must check in with security upon entering the Cal/EPA building.

DTSC representatives will summarize the issues. After the short presentation, DTSC will solicit comments and suggestions from workshop attendees. Below is a brief background on the issues. DTSC anticipates the need to hold additional focused workshops on the three topics identified in this announcement. If you are unable to attend, the workshop may be monitored live via audio webcast. The broadcast link will be available on the Cal/EPA website at: <http://www.calepa.ca.gov/broadcast/>. Questions and comments may be submitted in real

time by sending an e-mail to: sierrarm@calepa.ca.gov. DTSC staff will monitor e-mails and, as time allows, read them aloud. All questions and comments submitted via e-mail will be considered in DTSC's future actions.

*** This e-mail address is valid only for the duration of the workshop; all other correspondence should be made in accordance with the contact information listed at the end of this notice.

Travel information is available at <http://www.calepa.ca.gov/EPAblgd/Location.htm>. To request special accommodations for persons with disabilities, please contact Barry Carr at (916) 323-6044 or bcarr@dtsc.ca.gov.

Notice to Hearing Impaired: to obtain additional information, use the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Barry Carr at (916) 323-6044.

ISSUES

The Department of Toxic Substances Control (DTSC) has the primary oversight over the regulation of hazardous waste in California, including hazardous waste facilities and their financial assurance mechanisms for closure, postclosure, corrective action, and liability. Title 22, California Code of Regulations allows hazardous waste facilities to provide for financial assurance with the use of a variety of mechanisms including: trust funds, surety bonds, letters of credit, insurance policies, financial test and corporate guarantees. Recent events (including instability in financial markets, problems with corporate accounting practices, bankruptcy issues with a major utility company, and the recent action by DTSC to take over operational control of a landfill in closure) have caused DTSC to reevaluate the stability and security of the existing financial assurance mechanisms used for hazardous waste facilities.

Certain hazardous waste facilities (for example, hazardous waste landfills) are required by Title 22, California Code of Regulations to monitor and care for the facility for 30 years after the completion of closure (postclosure). Some closed facilities may require more than 30 years of postclosure monitoring and care (postclosure period). Although Title 22, California Code of Regulations allows DTSC to extend the postclosure period on a site specific basis, DTSC is evaluating revision of the regulations to extend the 30 year postclosure period requirement or other alternatives that would provide equivalent postclosure care.

DTSC has a strong commitment to public involvement. As part of the reevaluation process, DTSC is holding a workshop with the public, the regulated community and other interest groups regarding the use and security of financial assurance and extension of the postclosure period. DTSC is soliciting discussion

among interested parties regarding the issues of financial assurance and the postclosure period. Specific topics that DTSC would like to discuss during the workshop are:

Extension of the 30 year postclosure period

Some areas for discussion:

1. Validity of the 30 year postclosure period.
2. The purpose of the postclosure period
3. Criteria used to establish postclosure activities
4. Available financial assurance mechanisms for periods greater than 30 years

The use of the financial test and corporate guarantee

Some areas for discussion:

1. The origin of the financial test and corporate guarantee.
2. What assurance does the financial test and corporate guarantee provide?
3. Basis for the elements of the financial test. Are they still valid?
4. "Negative Assurance" language. What "value" does it provide to the financial test?

The use of captive insurance

Some areas for discussion:

1. Does captive insurance provide the same level of assurance as third party insurance?
2. Should the use of captive insurance be allowed?
3. What assurance is provided by the licensing process for captive insurers in Vermont and other states? Would additional benefit be provided by requiring captive insurers to be licensed in California?
4. Should the use of captive insurance be limited to certain types of assurance? For example, liability only.

DTSC's website contains discussion papers on the topics mentioned above. It is anticipated that the workshops will follow the discussion outlined in these papers. Go to our Web site at www.dtsc.ca.gov and click on the "Laws, Regs & Policies" link. Locate the "Regulation Concepts" table under the "DTSC Rulemaking" section and click on the "Financial Assurance" link to view the discussion papers.

Participants are encouraged to download and review these papers prior to the workshop. Interested parties may also subscribe to an email list (listserv) in order to receive notices and information by email. Subscription may be made at: <http://www.calepa.ca.gov/Listservs/dtsc/>.

DECISION NOT TO PROCEED

DEPARTMENT OF CONSERVATION

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTIONS 2500 and 2535, RECYCLING CENTERS

Pursuant to Government Code Section 11347, NOTICE IS HEREBY GIVEN that the California Department of Conservation has decided not to proceed with the proposed amendments to sections 2500 and 2535 of Title 14, Article 1, Chapter 5, Division 2, of the California Code of Regulations, regarding Payment by Count Signage Requirements.

The notice of proposal to amend sections 2500 and 2535 was published July 1, 2005, in the California Regulatory Notice Register, Notice File No. Z-05-0614-13.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Waste Tire Hauler Registration and Manifesting Requirements

This regulatory action revises waste tire hauler registration and manifesting regulations pertaining to retreaders.

Title 23
California Code of Regulations
ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462
Filed 09/22/05
Effective 09/22/05
Agency Contact: Wendy Breckon (916) 341-6068

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Revised Adjustment Method and Disposal Reporting System Regulations

This regulatory action revises the standards for operators of disposal facilities to submit to counties information on tons of solid waste disposed at each facility from each jurisdiction of origin.

Title 23
California Code of Regulations
ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,
Filed 09/21/05
Effective 01/01/06
Agency Contact: Elliot Block (916) 255-2821

DEPARTMENT OF CORPORATIONS

Entity Conversion Transactions

In this regulatory action, the Department of Corporations amends a regulation under the Corporate Securities Law of 1968 pertaining to the "Application for Qualification of Recapitalizations and Reorganizations."

Title 10
California Code of Regulations
AMEND: 260.121
Filed 09/28/05
Effective 10/28/05
Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Abbreviatus Eradication Area

This emergency regulatory action will establish Orange County as an eradication area for Diaprepes abbreviatus (West Indian sugarcane root borer or Diaprepes root beetle).

Title 3
California Code of Regulations
ADOPT: 3591.19
Filed 09/28/05
Effective 09/28/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control Program

In this emergency regulatory action, the Department of Food and Agriculture amends its regulation pertaining to the "Oak Mortality Disease Control Program" to add eight (8) additional plants to the list of plants and plant parts restricted by the regulation.

Title 3
California Code of Regulations
AMEND: 3700(c)

Filed 09/27/05
Effective 09/27/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
Enterprise Zone Program

This is the certification of compliance for an emergency rulemaking action that set the fee to be paid by an enterprise zone based upon its review of the application of an employer hiring an employee in an enterprise zone while seeking a tax credit based upon the hardship status of that employee and a certificate confirming such eligibility.

Title 25
California Code of Regulations
ADOPT: 8430, 8431, 8432, 8433, 8434
Filed 09/27/05
Effective 09/27/05
Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF INSURANCE
Registered Domestic Partners Portfolio of
Endorsements and Forms

This regulatory action is to revise the California Automobile Assigned Risk Plan-Plan of Operations, Portfolio of Endorsements and Forms to reflect the mandates of Insurance Code § 381.5 as part of the California Insurance Equality Act. The Act requires every policy to provide coverage for a registered domestic partner of the insured that is equal to, and subject to the same terms and conditions as the coverage provided to a spouse of an insured.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 09/28/05
Effective 10/28/05
Agency Contact: Mike Riordan (415) 538-4226

DIVISION OF WORKERS COMPENSATION
Workers' Compensation—Utilization Review

Labor Code section 5307.27 provides that on or before December 1, 2004, the Administrative Director, in consultation with the Commission on Health and Safety and Workers' Compensation, shall adopt, after public hearings, a medical treatment utilization schedule. The utilization schedule shall address, at a minimum, the frequency, duration, intensity, and appropriateness of all treatment procedures and modalities commonly performed in workers' compensation cases. This regulatory filing is the certificate of compliance for an emergency regulatory action which clarified the timeframes involved in the utilization review process, set forth the procedures and notice content requirements necessary to facilitate expedited

communication between treating physicians and providers, and clarified the dispute resolution process.

Title 8
California Code of Regulations
ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10
REPEAL: 9792.11
Filed 09/22/05
Effective 09/22/05
Agency Contact: Minerva Krohn (415) 703-4667

EMPLOYMENT DEVELOPMENT DEPARTMENT
Conflict of Interest Code

The Employment Development Department is amending its conflict of interest code found at title 22, section 311-1, California Code of Regulations. The Fair Political Practices Commission approved the changes for filing on August 2, 2005.

Title 22
California Code of Regulations
AMEND: 311-1
Filed 09/27/05
Effective 10/27/05
Agency Contact: Laura Colozzi (916) 654-7712

EMPLOYMENT TRAINING PANEL
Standards for Consideration of Training Proposals

The Employment Training Panel (Panel) provides funds for training the California workforce in the skills necessary for California businesses to remain viable and compete in both the national and global economies, while providing workers with good wages and secure employment. This regulatory action makes a wide range of changes to provisions concerning the standards for consideration of training proposals.

Title 22
California Code of Regulations
ADOPT: 4400(jj), 4403.1, 4446.5 AMEND:
4400(I), 4403, 4412.1, 4415, 4417
Filed 09/27/05
Effective 09/27/05
Agency Contact:
Margie Miramontes (916) 327-5470

ENVIRONMENTAL PROTECTION AGENCY
Unified Program Single Fee System for State
Agencies

This emergency action defines terms and establishes a mechanism for the setting of fees payable by a regulated business to any state agency acting as the Certified Uniform Program Agency in a county where no local agency has been certified to serve in that capacity.

Title 27
California Code of Regulations
ADOPT: 15241, 15242

Filed 09/26/05
 Effective 09/26/05
 Agency Contact: (916) 341-6318

STATE LANDS COMMISSION
 Ballast Water Regulations for Vessels Arriving At
 California Ports or Places Within the Pacific Coast
 Region

This action adopts regulations governing ballast water management practices on vessels arriving at California ports after departing from ports within the Pacific Coast Region. This action implements the mandate of Public Resources Code section 71204.5.

Title 2
 California Code of Regulations
 ADOPT: 2280, 2281, 2282, 2283, 2284
 Filed 09/23/05
 Effective 03/02/06
 Agency Contact:
 Livin D. Prabhu (562) 499-6312

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN MAY 4, 2005 TO
 SEPTEMBER 28, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
 09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
 09/13/05 AMEND: 18730
 09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
 09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
 AMEND: 1181, 1181.1, 1181.2, 1181.3,
 1183, 1183.01, 1183.02, 1183.03,
 1183.04, 1183.05, 1183.06, 1183.07,
 1183.08, 1183.1, 1183.11, 1183.12,
 1183.2, 1183.21, 1183.3, 1187, 1187.2,
 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
 08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
 08/15/05 AMEND: 51000
 08/09/05 ADOPT: 59520
 08/04/05 AMEND: 2271
 07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000

07/20/05 ADOPT: 18530.7
 07/20/05 AMEND: 18570
 07/18/05 AMEND: 18452
 07/18/05 AMEND: 55400
 07/06/05 AMEND: 7286.0
 06/24/05 AMEND: 599.502, 599.506
 06/21/05 AMEND: 18705.5
 06/16/05 AMEND: Div. 8, Ch. 4, section 25001
 06/14/05 ADOPT: 18750.2, 18755 AMEND:
 18702.4
 05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
 1859.310, 1859.311, 1859.312, 1859.313,
 1859.314, 1859.315, 1859.316, 1859.317,
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 1859.323.2, 1859.324, 1859.325,
 1859.326, 1859.327, 1859.328, 185
 05/27/05 AMEND: 1859.2
 05/27/05 AMEND: 20107
 05/26/05 ADOPT: 18465.1
 05/26/05 AMEND: 1859.2, 1859.81, 1866
 05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
 1859.122, 1859.123, 1859.123.1
 05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
 1859.2, 1859.73.2, 1859.79.2, 1859.82,
 1859.83, 1859.125, 1859.125.1,
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09/28/05 ADOPT: 3591.19
 09/27/05 AMEND: 3700(c)
 09/16/05 ADOPT: 581
 08/12/05 AMEND: 3700(c)
 08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
 1804, 1806, 1808, 1831, 1930, 1931,
 1932, 1940, 1941, 1942, 1943, 1944,
 1945, 1946, 1950 REPEAL: 1809, 1810,
 1851, 1851.1, 1870.1, 1870.2, 1871,
 1872, 1873, 1951, 1960, 1961
 07/21/05 AMEND: 6400
 07/11/05 AMEND: 3423(b)
 07/01/05 AMEND: 2311(b)
 06/27/05 ADOPT: 3591.18
 06/22/05 AMEND: 3430(b)
 06/09/05 ADOPT: 3700
 06/03/05 ADOPT: 3963
 05/23/05 AMEND: 3636(a)(c)
 05/16/05 AMEND: 6388
 05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
 1392.4(j), 1392.9(c), 1392.9(d),

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09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663

08/17/05 AMEND: 1976.9
 08/08/05 AMEND: 1887
 06/27/05 ADOPT: 10175, 10176, 10177, 10178,
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 05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
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 864.5, 865, 866, 867, 867.5, 868870
 08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
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 08/01/05 ADOPT: 15140, 15141
 07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8
 07/12/05 AMEND: 22000
 06/23/05 ADOPT: 11992, 11993, 11994
 06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
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 06/20/05 ADOPT: 19817.1, 19826.1, 19828.1,
 19837 AMEND: 19813, 19814, 19814.1,
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 06/09/05 ADOPT: 11511.6, 11516.6, 11516.7,
 11517.5 AMEND: 11510, 11511,
 11515.5, 11512, 11512.5, 11513, 11513.5,
 11514, 11516, 11516.5, 11517
 06/08/05 ADOPT: 17101 AMEND: 9531
 06/01/05 AMEND: 41500, 41503, 41504, 41505
 05/26/05 AMEND: 30060
 05/26/05 AMEND: 80413
 05/06/05 ADOPT: 3075.1, 13075.2, 13075.3,
 13075.4 AMEND: 13075
 05/06/05 ADOPT: 19850, 19851, 19852, 19853,
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 05/06/05 ADOPT: 18092.5 AMEND: 18066,
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 05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,
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 05/05/05 ADOPT: 80021, 80021.1

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09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
 9792.10 REPEAL: 9792.11
 09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
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 9767.10, 9767.11, 9767.12, 9767.13,
 9767.14, 9767.15
 08/25/05 AMEND: 6184

08/22/05 ADOPT: 3395
 08/10/05 AMEND: 8615
 08/09/05 AMEND: 6251
 08/02/05 AMEND: 770
 08/02/05 ADOPT: 5022.1 AMEND: 4968
 07/28/05 AMEND: 1529, 1535, 5190, 5210, and
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 06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545,
 3546, 3548, 3549
 06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
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 06/20/05 AMEND: 3649, 3651(a)
 06/15/05 AMEND: 1670(b)(11)(B)
 06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
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 06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
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 10161, 10163, 10165.5 REPEAL: 10151,
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 06/06/05 ADOPT: 10133.50, 10133.51, 10133.52,
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 05/31/05 ADOPT: 32032, 32033, 32034, 32035,
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 81110, 81115, 81120, 81125, 81130,
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 05/24/05 AMEND: 3999
 05/12/05 AMEND: 9789.11

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09/28/05 AMEND: 260.121
 09/28/05 AMEND: 2498.4.9
 07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018,
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 06/30/05 AMEND: 2699.6600, 2699.6809
 06/23/05 AMEND: 2498.6
 06/22/05 AMEND: 260.102.14
 06/03/05 AMEND: 2698.61, 2698.62
 06/03/05 AMEND: 2698.70, 2698.71

05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811
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08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
08/12/05 AMEND: 1005, 1060
08/01/05 AMEND: 1005, 1014
07/28/05 ADOPT: 720, 721, 722, 723, 724,
06/24/05 AMEND: 63.2
06/15/05 AMEND: 1053
06/15/05 AMEND: 1005, 1007, 1008
06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312
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05/09/05 ADOPT: 28.4
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05/04/05 ADOPT: 61.8
05/04/05 AMEND: 51.7
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06/14/05 AMEND: 503(f)

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09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961
09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)
08/24/05 AMEND: 551.2, 551.15
08/18/05 AMEND: 2754
08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
08/11/05 AMEND: 423.00
08/08/05 AMEND: 2185
08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465
07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
07/27/05 AMEND: 350.24
07/19/05 ADOPT: 15.04
05/31/05 AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583, 585, 586, 595, 597

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07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
AMEND: 2281 (Title 13), 2282 (Title 13), 2284 (Title 13)

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08/26/05 AMEND: 7.50(b)(91.1)
08/24/05 AMEND: 183 REPEAL: 188

08/23/05 AMEND: 230
08/23/05 AMEND: 7.50
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08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
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06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
06/09/05 AMEND: 27.80
06/09/05 AMEND: 782
05/12/05 AMEND: 120.01
05/12/05 AMEND: 180.3
05/11/05 AMEND: 150.05
05/11/05 AMEND: 150.03
05/11/05 AMEND: 180.15
05/11/05 AMEND: 231
05/11/05 AMEND: 601
05/10/05 AMEND: 551
05/10/05 AMEND: 150.02
05/10/05 AMEND: 150
05/05/05 AMEND: 165

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06/22/05 AMEND: 2000, 2400, 2403
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06/01/05 ADOPT: 4141, 4141.1

05/26/05 AMEND: 3287

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09/09/05 AMEND: 1399.170.11

09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750

09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35

09/06/05 ADOPT: 1070.4

08/29/05 AMEND: 404.1, 404.2

08/25/05 AMEND: 1399.15

08/25/05 AMEND: 473

08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268

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07/27/05 AMEND: 2085.2

07/26/05 AMEND: 418

07/22/05 AMEND: 109, 116, 117

07/22/05 AMEND: 1888

07/21/05 ADOPT: 1070.5

07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5

07/12/05 AMEND: 1397.51

07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953

07/05/05 ADOPT: 1398.26.1

07/05/05 ADOPT: 1399.454 AMEND: 1399.450, 1399.451

06/22/05 AMEND: 1041

05/31/05 AMEND: 4154

05/12/05 AMEND: 1491

05/10/05 ADOPT: 2293, 2294

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09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9

08/31/05 ADOPT: 93102.5

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07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

07/11/05 AMEND: 54319

06/30/05 AMEND: 2500, 2502, 2505

06/23/05 AMEND: 60201, 60202, 60205, 60210

06/22/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232

06/20/05 AMEND: 94501, 94506, 94507, 94508, 94509, 94510, 94512, 94513, 94515, 94526, & Test Method

05/18/05 AMEND: 50604, 50605, 54310, 54320, 54326, 54332, 54335

05/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

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07/08/05 ADOPT: 4056.1

06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257, 2333, 2425, 2520, 3005, 3303, 3503, 4031.1, 4905

05/05/05 AMEND: 18522, 18526, 18523, 18530

05/04/05 AMEND: 6001

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05/26/05 AMEND: 3.11

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09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842

07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

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09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067, 4069, 4072.1 AMEND: 4050, 4052, 4055, 4056, 4057, 4058, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073 REPEAL: 4065

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 AMEND: 4400(I), 4403, 4412.1, 4415,
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 08/12/05 AMEND: 12705
 08/12/05 AMEND: 12805
 08/11/05 AMEND: 97212,, 97232, and 97241.
 08/10/05 ADOPT: 97800, 97810, 97820, 97830,
 97840, 97850, 97860, 97870, 97880,
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 07/11/05 AMEND: 70217
 07/06/05 ADOPT: 72516, 73518
 06/30/05 AMEND: 90417
 06/02/05 ADOPT: 51000.10.1, 51000.15.1,
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 51000.52, 51000.53, 51000.60 AMEND:
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 05/17/05 AMEND: 66250.1, 66250.2
 05/05/05 ADOPT: 97251, 97252, 97253, 97254,
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 06/29/05 AMEND: 63.103.2, 63-300.5, 63-
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 06/15/05 AMEND: 80027, 80036, 87224, 87228,
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 05/09/05 AMEND: 80044, 80045, 80066, 80070,
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 09/08/05 ADOPT: 3966
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 08/18/05 ADOPT: 3906
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 07/22/05 ADOPT: 3979
 07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424,
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